

1 (D) REMARKS, including DRAWING AMENDMENTS, if any

2 It is believed that the amendments set forth above cure any Sec. 112 problems. Further
3 suggestions from the Examiner are welcomed.

4 The first substantive issue is whether Ker et al. anticipates Claims 1-5 for the present
5 invention. Applicant contends it in fact does not.

6 A valid rejection on the ground of anticipation requires the disclosure in a single prior art
7 reference of each element of the claim under consideration. Soundscriber Corp. v.
8 U.S., 148 USPQ 298, 301 (1966); In re Donohue, 226 USPQ 619, 621 (Fed. Cir. 1985).

9 The independent claim, Claim 1 specifically sets forth elements to indicate that implant
10 concentration of a deep P-type region (see FIG 2A, element 225), depth of that region,
11 and its proximity to N+ drain regions and N-well interface are keys, having a very good
12 parasitic bipolar action and controlled triggering of ESD device as mentioned in
13 Paragraph [0040]. Ker et al., and FIG. 14 thereof, are not definitive nor does his text
14 disclose these discoveries. Thus the present invention device as claimed provides
15 improved ESD performance and a structure not disclosed by Ker et al.

16 The second issue is whether Ker et al. combined with Killat makes the invention as
17 claimed in claims 6 and 7. Applicant contends it is not for several reasons.

18 Looking to present claims 6 and 7, while push-pull configurations are known, thinking of
19 this configuration as a viable ESD structure is novel. Ker et al., and FIG 22 thereof, is
20 not the same. The present application teaches an N-well surrounded by P-well; Ker
21 shows only an N-well. The combination yields only a structure of Ker et al., again
22 different from the present invention as explained with respect to the alleged anticipation,
23 with an added push-pull circuit from the Killat patent disclosure.

1 Moreover, there is no motivation to combine the two other than by hindsight to defeat
2 the present application. In Ex parte Levengood, 28 USPQ2d 1300, the Board of Patent
3 Appeals and Interferences stated: "In order to establish a prima facie case of
4 obviousness, it is necessary for the examiner to present evidence, preferably in the form
5 of some teaching, suggestion, incentive or inference in the applied prior art, or in the
6 form of generally available knowledge, that one having ordinary skill in the art would
7 have been led to combine the relevant teaching of the applied references in the
8 proposed manner to arrive at the claimed invention."

9
10 Furthermore, as set forth in the present application, Mallikarjunaswamy is increasing
11 inherent parasitic transistor gain. This in general flies in the face of conventional
12 wisdom. Proceeding contrary to the wisdom of the prior art is "strong evidence" of non-
13 obviousness. W.L. Gore & Assoc., Inc. V. Garlock, 220 USPQ 303 (CA FC 1983).

14 It is respectfully requested that the rejections be withdrawn. Based upon the foregoing,
15 it is submitted that the application now presents claims which are directed to novel,
16 unobvious and distinct features of the present invention which are an advancement to
17 the state of the art. Reconsideration and early allowance of all claims is respectfully
18 requested. The right is expressly reserved to reassert any and all arguments, including
19 the raising of new arguments, should a Notice of Allowance not be forthcoming.

1 Questions or suggestions that will advance the case to allowance may be directed to
2 the undersigned by teleconference at the Examiner's convenience.

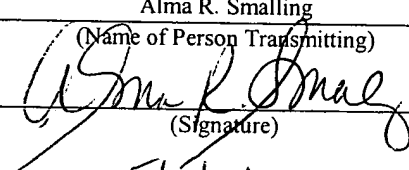
3 Date: 5/2/06
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Respectfully submitted,
MICREL, Incorporated

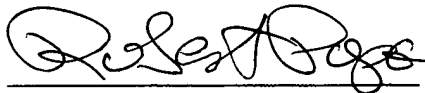
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10 Alma R. Smalling
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